

DES MOINES CITY COUNCIL MEETING
Excerpts from procedural rules of City Council

August 9, 2010 4:30 PM

I. CLOSED SESSION – 3:30 PM

- (A) Roll Call.
- (B) Recess, and reconvene in closed session pursuant to Section 21.5(c) of the Code of Iowa, to discuss matters of pending litigation.
- (C) Closed Session.
- (D) Terminate closed session and reconvene in open session.

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INVOCATION: George Krumrey

- 1. ROLL CALL – 4:30 PM
- 2. APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED:
- 3. APPROVING CONSENT AGENDA * – items 3 through 38:

***Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

LICENSES AND PERMITS

- 4. Approving Alcoholic Beverage License Applications for the following:

NEW APPLICATIONS

- | | | |
|-------------------------------|-------------------------|---------------------|
| (A) PLAZA ACAPULCO | 1537 6TH AVE | C Liquor |
| (B) TEQUILA RESTAURANT | 2824 EASTON BLVD | C Liquor |

RENEWAL APPLICATIONS

(C)	AMF DES MOINES LANES	3839 E 14TH ST	C Liquor
(D)	BEECHWOOD LOUNGE	416 E WALNUT ST	C Liquor
(E)	BUDDYS CORRAL	418 E 5TH ST	C Liquor
(F)	CROATIAN FRATERNAL	6575 INDIANOLA AVE	C Liquor
(G)	DAHLS FUEL	4341 MERLE HAY RD	C Beer
(H)	DRAGON HOUSE EAST	2470 E EUCLID AVENUE	C Liquor
(I)	FRATERNAL ORDER OF EAGLES	6567 BLOOMFIELD RD	A Liquor
(J)	GIT N GO STORE #36	4164 EASTON BLVD	C Beer
(K)	LIVE	215 E 2ND ST	C Liquor
(L)	OAKMOOR RACQUETBALL	4731 MERLE HAY RD	B Beer
(M)	QV'S CAVATELLI	209 EUCLID AVE	C Liquor
(N)	RON'S DAWG HOUSE	2117 E UNIVERSITY AVE	C Liquor
(O)	STAR BAR	2811 INGERSOLL AVE	C Liquor
(P)	STROLL INN (THE)	3325 HUBBELL AVE	C Liquor
(Q)	SUNRISE TAP	4155 EASTON BLVD	C Liquor
(R)	SURF SHACK	319 COURT AVE	C Liquor
(S)	TALLYS	2712 BEAVER AVE	C Liquor
(T)	TOADS TAVERN	3002 STATE AVE	C Liquor
(U)	YO YOS BAR & GRILL	2400 DEAN AVE	C Liquor

TRANSFER TO NEW LOCATION

- (V) IOWA STATE FAIR BLUE 3000 E GRAND AVE B Wine
Temporary transfer to merchandise trailer from August 12-22, 2010 for the Iowa State Fair.
- (W) SA PRESENTS LLC 25 E WALNUT ST C Beer/Wine
Temporary transfer from 75 E. Locust Street (Amphitheater) on August 17-23, 2010, due to flooding. Pending approval of Building, Electrical, Fire and Zoning Departments.

OUTDOOR SERVICE APPLICATION

- (X) HULL TAVERN TAP 834 E HULL AVE C Liquor
Temporary outdoor service area for Customer Appreciation Party on August 28, 2010.

PUBLIC IMPROVEMENTS

5. [Approving](#) and authorizing execution of agreements for Electrical Service with MidAmerican Energy, in conjunction with the Riverpoint Trunk Sewer Separation and Pump Stations Project, not to exceed \$66,383.04.

[\(Council Communication No. 10-486\)](#)

6. [Communication](#) from contractors requesting permission to sublet certain items on public improvement projects.
7. [Rejection](#) of quote submitted by Iowa Athletic Field Construction Co., and approval of contract and bond for construction of an improvement with an estimated cost of which is less than the Iowa Code competitive bid threshold for Grandview Golf Course No. 9 Green Relocation to Leibold Irrigation, Inc. (Douglas Wareham, Vice President), \$82,280.

[\(Council Communication No. 10-497\)](#)

SPECIAL ASSESSMENTS

8. [Levying](#) assessments for costs of Nuisance Abatement-NAC Emergency Orders (Community Development) Schedule No. 2010-09.
9. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2010-05.
10. Approving delinquent sewer rental and/or solidwaste/stormwater utility amounts for July 2010 on the following:
 - (A) [Fees](#).
 - (B) [Credits](#).

BOARDS/COMMISSIONS/NEIGHBORHOODS

11. [Communication](#) from Peggy Dandy advising of her resignation from the Human Rights Commission, Seat 4, effective immediately.
12. [Appointment](#) of Tom Hayes, International Organized Labor (IOL) representative to the Enterprise Zone Commission for a two-year term commencing August 9, 2010 to expire August 9, 2012.

[\(Council Communication No. 10-490\)](#)

SETTING DATE OF HEARINGS

13. [On](#) intent to convey City-owned property between 3100-3800 block of the north side of SE Watrous Avenue to the Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Equalization Basin Utilization Project, \$1, (8-23-10).
14. [On](#) voluntary annexation of a parcel in the 4900 block of Easton Boulevard, (9-27-10).

LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

15. [Approving](#) payment of \$16,627.41 to Peddicord, Wharton, Spencer and Hook, L.L.P. for representation of Police Officer Mersed Dautovic.

APPROVING

16. [Supportive](#) Housing Program (SHP) and Shelter Plus Care Renewal Grant Agreements with the United States Department of Housing and Urban Development (HUD).

[\(Council Communication No. 10-505\)](#)

17. [Contract](#) with Home Opportunities Made Easy, Inc. (HOME, INC.) for \$50,000 of HOME funds for operating support as a designated Community Housing Development Organization (CHDO).

[\(Council Communication No. 10-482\)](#)

18. Certification of Local Government for the following nonprofit organizations receiving Emergency Shelter Grant (ESG) funds from the State of Iowa:

(A) [Central](#) Iowa Shelter and Services.

(B) [Creative](#) Visions Human Development Institute.

19. [Home](#) Agreements with Home Opportunities Made Easy, Inc. (HOME, INC.) for development of single-family homes at 1351 Forest Avenue and 453 E. Hillside Avenue.

[\(Council Communication No. 10-483\)](#)

20. [Approval](#) of Agreement with Project InVision International d/b/a Software Made Easy (Matt Meblin, CEO) to amend terms of Economic Development Loan Agreement.

[\(Council Communication No. 10-475\)](#)

21. [Acknowledgement](#) and Consent Agreement requested by Wells Fargo Bank for Merle Hay Mall Limited Partnership, LLC on refinancing of loan for Merle Hay Mall.

[\(Council Communication No. 10-502\)](#)

22. [Request](#) to Polk County Treasurer for 2010 Tax Sale Certificate on abandoned property at 3132 Kingman Boulevard.

[\(Council Communication No. 10-478\)](#)

23. [Application](#) for a grant from Iowa Office of Energy Independence (OEI) under the Power Fund Community Grant Program and authorizing negotiation with Natural Capitalism for an education program to improve business sustainability, \$50,000.

[\(Council Communication No. 10-501\)](#)

24. [Approving](#) Long Term Disability Insurance Coverage benefits through June 30, 2013 with The Hartford Life Group (Liam E. McGee, President and CEO).

[\(Council Communication No. 10-484\)](#)

25. [Use](#) of various City Facilities as poll sites for precincts during the Special School Election to be held on Tuesday, September 14, 2010.

26. [Sub-Grantee](#) Agreements to administer FFY2009 Homeland Security Grant Program Funds from Iowa's Homeland Security and Emergency Management Division.

[\(Council Communication No. 10-494\)](#)

27. [Amendment](#) #3 to FY2007 Law Enforcement Terrorism Prevention Program (LETPP) Grant.

[\(Council Communication No. 10-477\)](#)

28. [Amendment](#) #3 to FY2007 Explosive Ordnance Disposal and Special Weapons and Tactics grants.

[\(Council Communication No. 10-476\)](#)

29. [Lease](#) contract with West Des Moines Water Works for tower space on the 88th Street Water Tower for the Metro Interoperability Communications System, \$8,256 annually.

[\(Council Communication No. 10-479\)](#)

- 30. Grant Application to Prairie Meadows Racetrack and Casino to provide specialized training and equipment for the Police Mounted Patrol Program, \$12,000.

(Council Communication No. 10-480)

- 31. Grant Agreement with the Iowa Department of Transportation for capital improvements at the Des Moines International Airport, \$562,574.

(Council Communication No. 10-498)

- 32. Service Agreement for joint maintenance of the Walnut Street Transit Mall with Des Moines Area Regional Transit Authority and Downtown Des Moines Self-Supported Municipal Improvement District.

(Council Communication No. 10-474)

- 33. Receipt of Des Moines Water Works Audit Report and Management Letter for calendar year ending December 31, 2009.

- 34. Banner design submitted by Downtown Community Alliance, on behalf of Meredith Corporation, to be displayed in downtown Des Moines on Locust Street in Fall 2010.

- 35. Bid from The Ingersoll Project, Inc. d/b/a Digital Matters Productions (Kristopher DeBolt, President) for an annual contract with two additional one-year renewal options to furnish video production services to be used by the Public Information Office, \$35,000 annually.

- 36. Exception to procurement ordinance competitive bidding requirements for good cause and purchase of solid waste carts from Toter, Inc. through September 20, 2020 at contract rates.

(Council Communication No. 10-496)

- 37. Civil Service Entrance lists for Airport Operations Center Attendant and Police Research and Budget Administrator.

- 38. Authorizing Finance Director to draw checks on registers for weeks of August 9 and August 16, 2010; to draw checks for the bills of the Des Moines Municipal Housing Agency for weeks of August 9 and August 16, 2010; and to draw checks for biweekly payroll due August 13, 2010.

* * * * * END CONSENT AGENDA * * * * *

ORDINANCES - FINAL CONSIDERATION

39. [On](#) rezoning of 400 SE 6th Street from “M-1” (Light Industrial) to Ltd. “C-3B” (Central Business Mixed Use), subject to conditions.

COMMUNICATIONS/REPORTS

40. [From](#) Boy Scouts of America, Mid Iowa Council, requesting a permanent name change to the section of Stanton Avenue planned between 63rd Street on the west and yet to be built Southwest Connector to “Scout Trail”.
41. [From](#) Amber Graeber, 1402 Forestdale Drive, to speak regarding the City’s recycling.
42. [From](#) Abdur-Rahim Kashif, 1155 18th Street, requesting to speak regarding banning smoking products at City parks.

***Note: If the City Council completes all items above before 5:00 PM, they will skip the Hearing Items, and continue the agenda starting with the next item following the Hearings. At 5:00 PM, they will return to this point in the agenda to consider the Hearing Items and then continue with all the remaining items on the agenda.**

HEARINGS (OPEN AT 5:00 P.M.) (ITEMS 43 THRU 56)

43. [On](#) appeal from Julie Cozad, 1521 E. 9th Street, regarding Administrative Hearing Officer’s decision on her dog.
44. [On](#) appeal from Carolyn Kerr, 1414 Carpenter Avenue, regarding recommended denial of a Taxicab and Limousine License.
45. [On](#) Building Lease Agreement with TMS Management Group, Inc. at the Des Moines International Airport.

[\(Council Communication No. 10-499\)](#)

46. [On](#) Terminal Building Lease Amendment with United States General Services Administration at the Des Moines International Airport.

[\(Council Communication No. 10-500\)](#)

47. On items regarding property in the vicinity of 1555 Des Moines Street:
- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Pedestrian-Oriented Neighborhood Commercial Center.
 - (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) to Ltd. “NPC” (Neighborhood Pedestrian Commercial), subject to conditions, to allow construction of an off-street parking lot to serve existing commercial center facing E. Grand Avenue.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes.
48. On items regarding property in the vicinity of 2301 Hickman Road, Freedom For Youth Ministries:
- (A) To amend the Des Moines 2020 Community Character Land Use Plan future land use designation from Low-Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development.
 - (B) Hearing on rezoning of the property from “R1-60” (One-Family Low-Density Residential) and “R-3” (Multiple-Family Residential) to Ltd. “C-2” (Neighborhood Retail Commercial), subject to conditions, to allow development of a children’s center for after school programming.
 - (C) First consideration of ordinance above.
 - (D) Final consideration of ordinance above, (wavier requested by applicant), requires 6 votes.
49. On vacation and conveyance of a portion of 13th Street, north of Keosauqua Way, and conveyance of previously vacated 13th Street from Keosauqua Way to School Street and north/south alley, west of 13th Street from School Street to Keosauqua Way, to the State of Iowa, \$1.
- (A) First consideration of ordinance above.
 - (B) Final consideration of ordinance above, (waiver requested by the City Manager), requires 6 votes.
50. On corrected conveyance of permanent subsurface water main easement located on southwest corner of SW 34th Street and Relocated Army Post Road to Des Moines Water Works, \$1.

51. On intent to acquire property for recreational trail purposes and authorizing acquisition of the necessary property interests from various property owners for Des Moines River Regional Trail Project.

[\(Council Communication No. 10-488\)](#)

52. On proposed Urban Renewal/Tax Increment Finance (TIF) Plan for NE Economic Development District Urban Renewal Area **and to continue to September 27, 2010 at 5:00 PM to allow time for input from and responses to adjacent property owners.**

[\(Council Communication No. 10-489\)](#)

53. On intent to convey permanent sanitary sewer easements to Des Moines Metropolitan Wastewater Reclamation Authority for the WRA Four Mile Interceptor Projects **and to continue to September 13, 2010 at 5:00 PM to allow time for further review and consideration.**

54. On 2010 Park and Cemetery HMA Improvements: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Grimes Asphalt & Paving Corporation, (J. M. Yonker, President), \$387,020.

[\(Council Communication No. 10-492\)](#)

(A) Approving contract and bond.

55. On 2010 Expanded Street Resurfacing Program – Contract 2: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as OMG Midwest, Inc., d/b/a Des Moines Asphalt & Paving, (James Gauger, President), \$1,686,417.47.

[\(Council Communication No. 10-493\)](#)

(A) Approving contract and bond, and permission to sublet.

56. On Waveland Trail Phase 2 – University Avenue to Franklin Avenue: Resolution approving plans, specifications, form of contract documents, Engineer's estimate and designating lowest responsible bidder as Elder Corporation, (Jared R. Elder II, President), \$419,999.99.

[\(Council Communication No. 10-491\)](#)

(A) Approving contract and bond, and permission to sublet.

*** END HEARINGS AT _____ PM ***

CITY MANAGER RECOMMENDATIONS

57. [Regarding](#) purchase of the YWCA Property for \$490,000.

[\(Council Communication No. 10-504\)](#)

APPROVING

58. Withdrawing commitment of \$100,000 of Home Funds for new construction from the following:

[\(Council Communication No. 10-495\)](#)

- (A) [Christ](#) the King Senior Housing, LLC for 289 units of low-income senior housing at 5601 SW 9th Street.
 - (B) [Curly](#) Top, LLC for 40 units of low-income senior housing at 1900 SE 6th Street.
 - (C) [Fort](#) Des Moines Senior Housing, LLC for 60 units of low-income senior housing between SW 5th and SW 6th on Army Post Road.
 - (D) [Olive](#) Street Brickstone, LLP for 21 units of low-income housing for families at 18th Street and Olive Avenue.
59. [City](#) Manager to submit an Iowa Clean Air Attainment Program (ICAAP) Fund Application to the Iowa Department of Transportation (IDOT) for the Beaver Avenue/Urbandale Avenue Intersection Roundabout, \$600,000.

[\(Council Communication No. 10-487\)](#)

60. [Street](#) Lighting Service Contract with MidAmerican Energy Company.

[\(Council Communication No. 10-481\)](#)

61. [Submittal](#) of application for Community Challenge Planning Grant sponsored by U.S. Department of Housing and Urban Development, up to \$1,750,000.

[\(Council Communication No. 10-485\)](#)

62. [Authorization](#) to collaborate in Multi-Jurisdictional Application for a Federal Sustainable Communities Regional Planning Grant Application sponsored by the Department of Housing and Urban Development (HUD), up to \$5,000,000.

[\(Council Communication No. 10-503\)](#)

EXTRA ITEMS

These extra items are filed after 5:00 P.M. on the Wednesday preceding a Council meeting and have been included upon the Amended Agenda by the City Clerk, with sponsorship of the Mayor or a City Council Member who shall deem the item of sufficient urgency to warrant immediate Council action - said statement of urgency from the City Manager and/or appropriate Department Director shall be placed on file with the City Clerk.

1. [Authorizing](#) letter in support of an application by the Veterans Administration of Central Iowa to develop a Community Resource and Referral Center in Des Moines. Sponsor: Council Member Coleman.
2. [Approve](#) the purchase of State Fair gift packs for employees of the City of Des Moines. Sponsor: Mayor Cownie.

[\(Council Communication No. 10-506\)](#)

MOTION TO ADJOURN AT _____ P.M.

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